

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VDPP, LLC,

Plaintiff,

Case No. 23-cv-11462

Hon. Matthew F. Leitman

v.

FORD MOTOR COMPANY,

Defendant.

**ORDER (1) GRANTING DEFENDANT'S MOTION TO DISMISS
(ECF No. 18) AND (2) GRANTING PLAINTIFF LEAVE TO FILE A
SECOND AMENDED COMPLAINT**

On May 1, 2024, the Court held a hearing on Defendant Ford Motor Company's motion to dismiss Plaintiff VDPP, LLC's First Amended Complaint. (See Mot., ECF No. 18.) For the reasons explained on the record, Ford's motion is **GRANTED**. VDPP's claims of direct infringement are **DISMISSED WITHOUT PREJUDICE** and VDPP's claims of indirect infringement are **DISMISSED WITH PREJUDICE**.

As further discussed on the record, VDPP shall file a Second Amended Complaint by no later than **May 29, 2024**. This is VDPP's opportunity to, among other things, plead all facts, currently known to VDPP, that support VDPP's contentions that (1) it has complied with, or does not need to comply with, the Marking Statute, 35 U.S.C. § 287(a), and (2) Ford has committed direct infringement

of the patents identified in VDPP's Second Amended Complaint. The Court **will** **not** allow VDPP another opportunity to amend to add factual allegations that it could now include in its Second Amended Complaint.

Ford shall respond to the Second Amended Complaint by no later than **June 26, 2024**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 1, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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